

**FORMAL RECOMMENDATION BY THE
NATIONAL ORGANIC STANDARDS BOARD (NOSB)
TO THE NATIONAL ORGANIC PROGRAM (NOP)**

Date: March 18, 2005

Subject: October 12-14, 2004 NOSB minutes

Chair: Jim Riddle
(sign)

Recommendation

The NOSB hereby recommends to the NOP the following:

Rulemaking Action: _____

Guidance Statement: _____

Other: X

Statement of the Recommendation (including Recount of Vote):

Attached minutes adopted, as amended. 14 yes, 0 no, 0 abstain

Rationale Supporting Recommendation (including consistency with OFPA and NOP):

Response by the NOP:

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NATIONAL ORGANIC STANDARDS BOARD MEETING SUMMARY

October 12-14, 2004

**The Washington Marriott Hotel
Washington, DC**

The National Organic Standards Board (NOSB) meeting of October 12-14, 2004, was attended by 13 members:

NOSB Members Present:

Mark King, Chair
Rebecca Goldberg
Goldie Caughlan
Nancy Ostiguy
David Carter
Andrea Caroe
Owusu Bandele

Jim Riddle, Vice Chair
Michael Lacy
Kevin O'Rell
Kim Dietz, Secretary
George Siemon
Rosalie Koenig
Absent Member: Ann Cooper

National Organic Program (NOP) Staff:

Barbara C. Robinson, Agricultural Marketing Service Deputy Administrator; Richard H. Mathews, NOP Associate Deputy Administrator; Katherine Benham, Arthur Neal, Keith Jones, Mark Bradley, and Demaris Wilson.

OPEN SESSION – October 12, 2004, 8:00 a.m. - 5:00 p.m.

Approval of the Meeting Agenda:

The Board unanimously approved the meeting agenda.

Approval of April 2004 Meeting Minutes Summary:

After four changes were proposed by Mr. Riddle, the Board unanimously approved the April 2004 meeting minutes. **For more information, see discussion document.**

Executive Committee Conference Call Minutes:

The Board reviewed the June and July executive conference call minutes. **For more information, see discussion documents.**

NOP AND NOSB DISCUSSIONS: For more information, see the meeting transcripts

Update on the Status of Recommended Materials: (p. 9)

The processing docket has been sent to OGC for clearance.

Livestock Materials: (pp. 9-44) For more information, see meeting transcripts.

Mr. Neal reported that the over-the-counter substances calcium borogluconate, calcium propionate, activated charcoal, kaolin pectin, mineral oil, and potassium sorbate cannot be included on the National List due to FDA restrictions. NOP will move forward with the rest of the NOSB recommended materials and continue to work with FDA regarding the 6 problematic materials.

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Four options were identified with which to frame further discussion on these 6 materials:

1. Create a National List category of alternative medicines
2. Allow all “over the counter” animal medications, but provide a negative list of all prohibited ones.
3. Create National List category of production aids with no reference to specific use
4. Congress has passed a new bill for minor use breeds with expedited procedures for drug approval, perhaps organic use can be considered as a minor use category.

The Board also discussed whether more communication at higher levels of USDA and FDA could facilitate the approval process for these substances.

Discussion of NOSB Recommendations Concerning Compatibility, Non-Compliances, and Commercial Availability: For more information, see discussion documents and meeting transcripts.

Compatibility: (pp. 45-49)

Board and NOP agreed that the Board’s compatibility recommendation could be used by both the Board and TAP reviewers in reviewing materials for inclusion on the National List.

Non-Compliances: (pp. 49-52) **For more information, see discussion document**

New NOP staff member Mark Bradley will take recommendation into consideration when working on part of NOP manual addressing non-compliances.

Commercial Availability Task Force Report: (p. 52)

NOP declined to address this issue at this time.

Framework for Collaboration: (pp. 53-71)

Ms. Robinson outlined the list of issues on which NOP has collaborated with the NOSB since the June 9, 2004, special meeting of industry, Board members and USDA:

- Letter to OMRI on review of OMRI generic materials list
- Expectations of TAP contractors
 - Petition procedures
 - Sunset of the National List
 - Review of the Board Policy Manual

Discussion of Board’s collaboration document ensued. Ms. Robinson agreed to provide a written collaboration policy for NOSB consideration.

NOSB Executive Director: (pp. 72-102) **For more information, see meeting transcripts**

Ms. Robinson explained federal requirements for this position and answered Board questions.

Materials Review Process: (pp. 102-104) **For more information, see the meeting transcripts**

Mr. Neal discussed with the Board NOP revisions to the materials review and petition process.

Update on TAP Contractor Final Statement of Work: (pp. 107-122) **(For more information, see discussion document, and meeting transcripts)**

Mr. Neal presented Board members with final TAP contractor statement of work. Mr. Neal and Ms. Robinson discussed with the Board procedures and contract-letting process. Results are: Virginia Tech’s contract was extended and two new

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contractors have been hired, ICF Consulting and Woven Egg Consulting. An orientation for new contractors was discussed.

Letter of Understanding with OMRI: (pp. 122-132)

Ms. Robinson stated that NOP is working with OMRI to go through their generic list of approved substances. Discussion followed in reference to the role that OMRI's list plays in regards to certifying agents and the NOP in general.

OTHER NOP ITEMS

Nomination for New Board Members: (pp. 132-133 139-140)

Ms. Robinson reported that Board nominations are still being cleared inside the Department and have not yet gone to the Secretary. More than 70 people applied. The Secretary will decide whether or not the names of applicants will be released before selection is made.

Audit Report from American National Standards Institute (ANSI): (pp. 133-137)

Ms. Robinson explained that NOP has received the draft ANSI report and is formulating a response. After reviewing USDA's response, ANSI will issue a final report. Ms. Robinson briefly discussed 3 areas the report covered: documentation; communication; actual audit and accreditation activities. Plans to institutionalize the audit process were discussed.

NOP STAFF AND FULL BOARD WORKING SESSION

NOP Directives: (pp. 142-147)

It was agreed to discuss the NOP April 2004 directives after lunch.

LUNCH BREAK: 12:15 p.m.

LIVESTOCK COMMITTEE - George Siemon and Rebecca Goldberg

Antibiotics: (pp. 149 –172) **For more information, see discussion document, and meeting transcripts**

On behalf of the Livestock Committee, Mr. Siemon laid out recommendations in response to the April 2004 NOP directive on antibiotics, and on behalf of USDA, Ms. Robinson concurred.

Fishmeal: (pp. 173-178) **For more information, see discussion document**

On behalf of the Livestock Committee, Ms. Goldberg laid out recommendations in response to the April 2004 NOP directive on fishmeal, and on behalf of USDA, Ms. Robinson concurred.

MATERIALS AND CROPS COMMITTEES – Rose Koenig

Inert Ingredients in Pesticide Formulation: (pp. 187-193) **For more information, see discussion document and meeting transcripts**

On behalf of the Materials and Crops Committees, Ms. Koenig laid out recommendations in response to the April 2004 NOP directive on inerts, and on behalf of USDA, Ms. Robinson concurred.

POLICY DEVELOPMENT COMMITTEE – Dave Carter

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NOP Scope Document: (pp. 193-211) **For more information, see discussion document and meeting transcripts**

On behalf of the Policy Development committee, Mr. Carter provided a response to the April 2004 NOP Scope Statement, covering the following categories:

- 1) Personal care products, body care products, cosmetics
- 2) Dietary Supplements, over-the-counter medicines or health aids
- 3) Fertilizers, soil amendments, manure
- 4) Fish and seafood, farm-raised or wild-caught
- 5) Pet food
- 6) Mushrooms, apiculture and honey, greenhouse operations and greenhouse products, hydroponics

On behalf of USDA, Ms. Robinson concurred. Ms. Robinson agreed to provide written responses to all four of the NOSB "issue papers."

PUBLIC COMMENT SESSION – October 12, 2004:

The following individuals presented public comments. Each person's comments were recorded and transcribed for the record; some individuals presented written comments. Transcribed comments, and where applicable written comments can be found at **DESIGNATED ATTACHMENTS**.

REGISTRATION SHEET (Attachment A)

SIGN-IN SHEET (Attachment B)

Debra Brister, Research Fellow, University of Minnesota, [pp. 213-217, **Attachment 1**]
George Lockwood, proxy for Richard Nelson, [pp. 217-223, **Attachment 2**]
Dr. Owen Keene, Heritage Poultry Management Service, [Pp. 223-228, **Attachment 3**]
Dave Garforth, Green Harvest, [pp. 229-233]
William Jackson, AG-Rox-02, [pp. 233-236, **Attachment 4**]
Tom Hutchinson, OTA, [pp. 237-238, **Attachment 5**]
Mark Kastel, The Cornucopia Institute, [pp. 239-244]
Hubert Karreman, Penn Dutch Cow Care, [pp. 244-247]
Jim Pierce, (Tony Azevebo, Dairy Farmer, San Joaquin Valley) Organic Valley, [pp. 247-252]
Anne Fanatico, University of Arkansas, [pp. 247-256]
Joe Smillie, Quality Assurance International (QAI), [pp. 256-261]
Lynn Coody, Consultant, Organic Ag Systems, [pp. 261-263]
Joe Mendelson, (Proxy for Liana Hoodes, National Campaign for Sustainable Agriculture) Center for Food Safety, [pp. 264-271]
Emily Brown Rosen, Organic Research Associates, [pp. 272-275]
Michael Sligh, Rural Advancement Foundation International, [pp. 276-282]
John Cleary, Vermont Organic Farmers/NOFA-Vermont, [pp. 283-286]
Susan Ulery, American Herbal Products Association, [pp. 286-290, **Attachment 6**]
Urvashi Rangan, Consumer Union, [pp. 290-298, **Attachment 7**]
Marty Mesh, Florida Organic Growers, [pp. 298-301]
Bob Buresh, Tyson Foods, Nature's Farm (Proxy Jackie Jacob), [pp. 301-315, **Attachment 8**]
Sebastian Belle, Maine Aquaculture Association, [316-319]

OPEN SESSION – October 13, 2004, 8:00 a.m. - 5:00 p.m.

MATERIALS COMMITTEE – Rose Koenig

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Sunset of the National List of Allowed and Prohibited Substances: (pp. 3-41) **For more information, see discussion document and meeting transcripts.**

The Board voted unanimously to accept the Materials Committee draft of their recommended approach to Sunset as presented by Ms Koenig, as amended.

Interpretation of OFPA and the National List–Action Plan: (pp. 43-78) **For more information, see discussion document and meeting transcripts.**

Ms. Koenig provided background information for the Materials Committee report on interpretation of OFPA as it relates to the National List, and concluded that the Materials Committee would rework the document.

HANDLING COMMITTEE – Kevin O’Rell

Materials Approved as Food Contact Substances–Update: (pp. 79-81) **For more information, see meeting transcripts.**

On behalf of the Handling Committee, Mr. O’Rell reiterated the fact that the Committee’s report, which encouraged the addition of six food contact substances to the National List despite the possibility that they might be considered food contact substances, had been accepted by the full Board at the last meeting. Six materials in question—4 boiler water additives, activated charcoal and paracetic acid—are in the NOP processing docket. The April report quoted from an NOP policy statement differentiating between synthetic substances as ingredients and contact substances. The April report also noted that the handling committee would prioritize in their work plan to clarify the qualification of materials on the Food Contact Substance list.

Organic Yeast/Agricultural vs. Non-Agricultural Materials–Action Plan: (pp. 81-86) **For more information, see meeting transcripts.**

The Handling Committee will form a task force to look into the issue of yeast and the broader issue of agricultural v. nonagricultural materials, aiming for a report to the full Board at the next meeting.

Pet Food Standards–Action Plan: (pp. 86-94) **For more information, see meeting transcripts.**

The Handling Committee will assess current industry standards on pet food and report to the full Board at the next meeting.

REPORT PRESENTATION (pp. 94-123)

Tom Bewick, Program Director of Plant and Animal Systems – USDA Cooperative State Research Education and Extension Services. Report on Integrated Organic Program Research Grants. **For more information, see Power Point presentation and meeting transcripts.**

PRESENTATION OF COMMITTEE DISCUSSION ITEMS (continued)

LIVESTOCK COMMITTEE – George Siemon

Wild Caught and Aquaculture Standards—Action Plan: (pp. 123-134) **For more information, see discussion document and meeting transcript.**

Mr. Siemon announced the Livestock Committee’s intention to form a task force with two working groups: one to address standards for farm-raised fish and seafood and one for wild caught fish and seafood.

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COMMENTS FROM A. J. YATES, AMS ADMINISTRATOR – (pp. 130-131)

Mr. Yates made a statement in support of the Board and organic industry.

MATERIALS COMMITTEE – Rose Koenig

Revised Federal Register Notice for Petitioned Substances: (pp. 135-139) **For more information, see discussion document and meeting transcripts.**

Ms. Koenig presented a draft of a request for information to petitioners who want to petition the Board to evaluate a substance for inclusion on the National List. The final will be used by NOP in developing a Federal Register notice which will cite new petition instructions to improve the materials review process. The draft remained at committee level for further development.

Materials Review Process Presentation: (pp. 140-163) **For more information, see discussion document and meeting transcripts.**

Ms. Koenig gave a slide presentation on the Materials Process Update. The text of this presentation can be found with the meeting transcripts. **For more information, see the Materials Process Update Slide Presentation.**

POLICY DEVELOPMENT COMMITTEE – Dave Carter

Policy for Scheduling NOSB Meetings/Calls: (pp. 177-186) **For more information, see discussion document and meeting transcripts.**

Mr. Carter presented draft of meeting/conference call scheduling protocols. The draft remained at committee level for further development.

Board Policy Manual–Update: (pp. 187-198) **For more information, see discussion document and meeting transcripts.**

Mr. Carter summarized Ms. Robinson's written comments on Board's Policy Manual.

Scope Document Vote: (pp. 199-201) **For more information, see discussion document and meeting transcripts.**

The Board unanimously approved their previously discussed response to NOP's April 2004 Scope document. (One Board member absent.)

ACCREDITATION, CERTIFICATION AND COMPLIANCE COMMITTEE – Andrea Caroe
(pp. 206-207) **For more information, see meeting transcripts.**

Nothing to report.

CROPS COMMITTEE – Nancy Ostiguy

Potassium Carbonate and Hydrolysis: (pp. 208-211)

Mr. Neal requested the Board's input on potassium carbonate as an extractant in the hydrolysis process and to define hydrolysis in general.

Soy Protein Isolate: (pp. 212-215)

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Ms. Koenig reported that the Crops Committee voted to defer bringing soy protein isolate to the full Board for a vote.

Compost Tea Task Force Report–Vote: (pp. 215-222)

The Board voted unanimously to accept the report and forward it to the Crops Committee for further action.

Inerts–Vote: (pp. 222-231)

The Board voted to recognize and post on the web their response to the NOP's April 2004 Inerts directive: 7 yes; 4 abstained, and 2 absent.

Origin of Dairy Livestock—Vote: – (pp. 231-233)

The Board voted to accept the Livestock Committee's document (which contained 2 changes from earlier version) on Origin of Dairy Livestock: 11 yes; 1 no; and 1 absent

Fishmeal—Vote: – (pp. 233-238)

The board voted to accept the Livestock Committee's response to the NOP directive for fishmeal and forward for posting: 11 yes; 1 abstained; 1 absent.

Election of Officers – (pp. 239-244)

Mr. Jim Riddle, Chair

Mr. Kevin O'Rell, Vice Chair

Ms. Goldie Caughlan, Secretary

OPEN SESSION – October 14, 2004, 8:00 a.m. – 12:15 p.m.

PRESENTATION OF COMMITTEE WORK PLANS – (pp. 3-34)

Committee chairs presented and discussed their work plans. **For more information, see discussion document and meeting transcripts.**

NEXT MEETING – (pp. 34-39)

Times to schedule the next meeting were discussed for the end of February through mid-March, but no definite dates were reached. Board agreed to establish date within the next 2 weeks.

PUBLIC COMMENT SESSION – October 14, 2004: (Continues)

The following individuals presented public comments. Each person's comments were recorded and transcribed for the record, and some individuals presented written comments. Transcribed comments, and where applicable written comments can be found at **DESIGNATED ATTACHMENTS**.

Robert Bullis, National Organic Aquaculture Working Group (NOAWG), [pp. 42-47]

Lisa Donwhite, proxy for Leslie Zuck, PCO and Northeast Organic

Dairy Producers Alliance, [pp. 48-52, **Attachment 1**]

Jo Ann Baumgartner, Wild Farm Alliance, [pp. 53-57, **Attachment 2-A, 2-B, and 2-C**]

George Lockwood, National Organic Aquaculture Working Group (NOAWG), [pp. 58-68]

Maury Johnson, NC+ Organics, [pp. 68-79]

Grace Marroquin, Marroquin International Organic Commodities Services, [pp. 80-87, **Attachment 3**]

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Gwendolyn Wyard, Oregon Tilth Certified Organic (OTCO), [pp. 87-91, **Attachment 4**]

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Richard Siegel, Lawyer, Private Practice, proxy for 15 Companies Supplying
Organic Ingredients, [pp. 91-96, **Attachment 5**]

Mike Norman, Association of American Plant Food Control Officials, (AAPFCO), [pp. 96-103]

Brian Baker, Organic Materials Review Institute, (OMRI), [pp. 103-106]

Robert Beauregard, The Country Hen, [pp. 106-113, **Attachment 6**]

Sharon Sherman, Pet Guard Company, [pp. 113-116]

Earl Louviere, Omega Protein, [pp. 116-118, **Attachment 7**]

Emily Brown-Rosen, proxy for Eric Sideman, [pp. 119-124]

proxy for Brendan O'Neill and Bill Mott, [pp. 124-129, **Attachment 8**]

Drake Sadler, Traditional Medicinal, [pp. 129-140, **Attachment 9**]

Joe Mendelsohn, Center for Food Safety, [pp. 140-150]

Susan Prolman, The Union of Concerned Scientists and Coalition to Keep
Antibiotics Working, [pp. 150-153, **Attachment 10**]

Urvashi Rangan, Consumers Union, [pp. 153-155]

Michael Sligh, [pp. 155-157]

ADJOURNED:

October 14, 2004 – 12:15 p.m.